REMARKS

In the present Amendment, Claim 1 has been amended to incorporate the subject matter of Claim 4. Accordingly, Claim 4 has been canceled.

Claim 3 has been amended to add a period at the end of the claim.

Claims 5 and 8 have been amended to improve their form. These amendments do not narrow the scope of the claims.

Claim 7 was previously canceled.

No new matter has been added and entry of the Amendment is respectfully requested. Upon entry of the Amendment, Claims 1-3, 5, 6 and 8-13 will be all the claims pending in the application.

I. Response to Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Specifically, the Examiner asserted that the definition of the term "phrase" is vague.

Applicant respectfully traverses the rejection for the following reasons.

As apparent from the excerpts from "Webster's Third New International Dictionary" and "Columbia Electronic Encyclopedia, 6th edition" (a copy submitted on April 28, 2005), the term "hydroxyl" represents OH- radicals such as OH^- ions contained in metal hydroxides.

The present claim recites a metal hydroxide containing: (i) at least one metal, (ii) at least one transition metal, and (iii) hydroxyl. Thus, one skilled in the art would understand that the term "hydroxyl" is *inherently* an OH^- ion of a metal hydroxide.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection.

II. Response to Rejection Under 35 U.S.C. § 102

Claims 1-3, 6 and 8-9 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kato et al (U.S. Pat. No. 6,605,655).

Applicant respectfully submits that the present claims are novel over Kato et al. As described above, Applicant has amended Claim 1, from which Claims 2, 3, 8 and 9 depend, to incorporate the subject matter of Claim 4, which is not included in this rejection. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

III. Response to Rejections Under 35 U.S.C. § 103

a. Claims 4 and 5 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kato et al and further in view of Miyata (U.S. Pat. No. 5,480,929) or Kurisu et al (U.S. Pat. No. 5,766,568). See Paragraph No. 6 of the Office Action. Further, Claims 1-6, 8 and 9 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miyata or Kurisu et al each in view of Kato et al. See Paragraph No. 7 of the Office Action.

Applicant respectfully submits that the present claims are patentable over the cited references for at least the following reasons.

Kato et al discloses the following (1)-(5):

(1) a polyamide resin composition comprising a melt blend of (A) a polyamide resin, (B) a phyllosilicate, and (C) an olefin compound having a carboxylic acid anhydrate group in the molecule.

(2) the resin composition comprises (D) an inorganic filler including hydroxides such as magnesium hydroxide, calcium hydroxide, and aluminum hydroxide.

(3) the resin composition may contain (F) a flame retardant including halogen flame retardants and phosphorus-type retardants.

(4) "As the flame retardant, preferred are halogen flame retardants containing a halogen element, especially bromine in the molecule; phosphorous-type flame retardants such as red phosphorus, etc.; and also salts to be derived from triazine compounds and cyanuric or isocyanuric acids. More preferred are halogen flame retardants." See column 9, lines 33-40.

(5) "The flame-retardant polyamide resin composition of the invention may optionally contain a flame retardant promoter. As the flame retardant promoter, preferred are metal oxides and metal borates." See column 12, lines 26-29.

In other words, Kato et al discloses a polyamide resin composition comprising: (A) a polyamide resin, (B) a phyllosilicate, (C) an olefin compound and (D) inorganic filler; (A) a polyamide resin, (B) a phyllosilicate, (C) an olefin compound, (D) inorganic filler and (F) a halogen-flame retardant; or, (A) a polyamide resin, (B) a phyllosilicate, (C) an olefin compound, (D) inorganic filler, (F) a flame retardant containing halogen and (G) a flame retardant promoter such as metal borates. "(G)" is added for the sake of convenience.

However, Kato et al does not disclose a resin composition comprising (A) a polyamide resin, (B) a phyllosilicate, (C) an olefin compound, (D) an inorganic filler and (G) a flame retardant promoter based on the presumption that a flame retardant promoter is used together with (F) a flame retardant.

Miyata discloses a flame-retardant resin composition. Miyata describes that an object of the invention is to provide a flame retardant resin composition containing a flame retardant having excellent flame retardancy.

Further, Miyata discloses that use of a halogen-containing flame retardant generates halogen gas during processing, and causes corrosion of the apparatus. Moreover, combustion of the halogen-containing flame retardant generates a large amount of toxic smoke, which is hazardous to human life, and corrodes peripheral equipment to terminate the function of the equipment. Miyata states that aluminum hydroxide and magnesium hydroxide contain no halogen and are free from the above problems. See column 1, lines 22-30. Accordingly, Miyata teaches away from the use of a flame-retardant resin composition containing a halogen-containing flame retardant.

The Examiner's position appears to be that it would have been obvious to one of ordinary skill in the art to modify the thermoplastic resin composition of Kato et al by including a flame-retardant composite metal hydroxide, to arrive at a polyamide resin composition comprising (A) a polyamide resin, (B) a phyllosilicate, (C) olefin compound, (D) inorganic filler (metal hydroxide), (F) a flame retardant containing halogen, and (G) a flame retardant promoter (metal borate).

Applicant respectfully disagrees. As described above, Miyata teaches away from a flame-retardant resin composition containing a halogen-containing flame retardant, such as that described in Kato et al. Therefore, Applicant respectfully submits that there would not have been motivation to combine Kato et al with Miyata.

Further, Kurisu et al discloses a halogen-free flame-retardant resin composition. See, e.g., column 1, lines 20-23. Therefore, Applicant respectfully submits that there would not have been motivation to combine Kato et al with Kurisu et al.

Moreover, the presently claimed invention (Claim 1) provides a thermoplastic polymer composition having an excellent retardancy and a characteristic of short flameless combustion time without flame.

In view of the foregoing reasons, Applicant respectfully submits that the present claims are not obvious over the cited references and thus the rejections should be withdrawn.

b. Claims 1-6, 8 and 9 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hoshi et al (U.S. Pat. No. 4,732,939) in view of Kato et al. See Paragraph No. 8 of the Office Action.

Applicant respectfully submits that the present claims are patentable over the cited references for at least the following reasons.

Hoshi et al discloses a halogen-free flame-retardant resin composition. See, e.g., column 1, lines 10-21, and column 3, lines 19-23.

Therefore, Applicant respectfully submits that there would not have been motivation to combine Hoshi et al with Kato et al which discloses a flame-retardant resin composition containing a halogen-containing flame retardant. See discussion in Section III.a&b.

In view of the foregoing, Applicant respectfully submits that the present claims are not obvious over the cited references and thus the rejection should be withdrawn.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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